

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Recommendations of the Technical Advisory)	PS Docket No. 12-74
Board for First Responder Interoperability)	

COMMENTS OF THE UTILITIES TELECOM COUNCIL

Pursuant to Section 1.405 of the Commission’s Rules, the Utilities Telecom Council (“UTC”) hereby files its comments in response to the Commission’s Public Notice in the above-referenced matter.¹ UTC applauds the work of the Interoperability Board in developing the Recommended Minimum Technical Requirements to Ensure Nationwide Interoperability for the Nationwide Public Safety Broadband Network (hereinafter “interoperability requirements”). Interoperability is important to all users of the network, including utilities and other critical infrastructure industries (CII) that may share access and capacity on the network or that may partner with public safety to construct, maintain and operate the 700 MHz nationwide public safety broadband network (NPSBN). Therefore, UTC urges the Commission to implement the interoperability requirements to promote opportunities for sharing the 700 MHz NPSBN with utilities and other CII, and to clarify that the interoperability requirements would not preclude public safety from negotiating priority access that would provide reliable communications for both utilities and public safety, even during emergencies when communications are needed the most.

¹ *Public Safety and Homeland Security Bureau Makes Available the Recommendations of the Technical Advisory Board for First Responder Interoperability*, Public Notice, DA 12-811 (rel. May 23, 2012).

Introduction and Background

UTC is the international trade association for the telecommunications and information technology interests of electric, gas and water utilities and other critical infrastructure industries (CII). UTC's members include all types of utilities from large investor-owned utilities that serve millions of customers across multi-state service territories to relatively small rural cooperative utilities and municipal utilities that may only serve a few thousand customers in remote, insular and sparsely populated areas. These member companies all use communications to support their core mission of delivering essential services to the public safely, securely and efficiently.

UTC has participated in the FCC's proceedings to implement the 700 MHz NPSBN. UTC's interest in these proceedings is to promote opportunities for utilities to share the 700 MHz NPSBN with public safety entities. UTC agrees with the FCC's conclusion in its National Broadband Plan that utilities and public safety have similar communications needs and that there are a variety of public interest benefits that can be gained through sharing the 700 MHz NPSBN with utilities and public safety. As such, UTC has filed comments in support of granting waivers to applicants that propose to share their networks with utilities and other critical infrastructure industries,² and it has filed comments in support of rules for the NPSBN that would permit such sharing in general.³ Most recently, UTC has filed comments in support of allowing Waiver Recipients to continue to deploy and in support of granting pending waiver applications during

² See Comments of UTC in PS Docket No. 06-229, filed Oct. 18, 2010.

³ See Comments of UTC in PS Docket No. 06-229, filed Apr. 11, 2011. *See also* Reply Comments of UTC in PS Docket No. 06-229, filed May 10, 2011.

the transition period to FirstNet.⁴ Therefore, UTC is pleased to file its comments in response to the Commission's Public Notice on the interoperability requirements.

I. The interoperability requirements should promote opportunities for sharing and partnerships between utilities and public safety on the 700 MHz NPSBN.

In reviewing the interoperability requirements, the Commission should ensure that they promote opportunities for public safety to share the NPSBN and partner with utilities and other critical infrastructure industries, as well as commercial service providers. As the Commission itself has recognized, utilities and public safety have similar communications needs and there are numerous public interest benefits that could be achieved through sharing the 700 MHz NPSBN, including interoperability during emergency response and sustainability of the network.⁵ Moreover, utilities have extensive infrastructure and other resources -- including highly reliable private internal communications networks of their own and related technical expertise -- which could contribute towards the construction, maintenance and operation of the 700 MHz NPSBN. Therefore, implementation of the interoperability requirements should promote opportunities for sharing and partnering with utilities and other CII in order to achieve these public interest benefits and to accelerate network deployment.

II. The Commission should clarify the interoperability requirements with regard to sharing agreements.

Utilities and other CII need reliable and robust communications in order to ensure the safe, reliable and secure delivery of essential services, such as electricity, gas and water, to the

⁴ See Comments of UTC in PS Docket No. 12-94, filed Apr. 20, 2012.

⁵ See National Broadband Plan, Recommendation 12.4 at <http://www.broadband.gov/plan/12-energy-and-the-environment/> (explaining that “[t]he wide-area network requirements of utilities are very similar to those of public safety agencies. Both require near-universal coverage and a resilient and redundant network, especially during emergencies. In a natural disaster or terrorist attack, clearing downed power lines, fixing natural gas leaks and getting power back to hospitals, transportation hubs, water treatment plants and homes are fundamental to protecting lives and property. Once deployed, a smarter grid and broadband-connected utility crews will greatly enhance the effectiveness of these activities.”)

public at large. As the Commission itself has recognized, “[a]ny failure in their ability to communicate by radio could have severe consequences on the public welfare.”⁶ That is why utilities and other CII design, build, operate and maintain their own private internal communications networks to high standards for coverage, availability, and resiliency. Often, these networks cover areas that are unserved or underserved by commercial service providers and these networks are built to continue to operate during emergencies, such as power outages and major storms, when commercial systems fail.

Utilities need to be able to rely on the 700 MHz NPSBN, if they are going to share the network. In order to do that, they need to be able to negotiate priority access with public safety. As a technical matter, LTE is capable of multiple levels of priority access that would permit sharing of the network, such that public safety and utilities could share the network without affecting their communications performance. But as a practical matter, utilities and public safety also need to be able to negotiate priority access levels that will ensure that communications reliability is maintained, even during emergencies when reliability is needed most.

UTC notes that the recommended interoperability requirements state that, “[a]ny sharing agreement that FirstNet enters into SHALL implement network sharing according to 3GPP TS 23.251 and SHALL NOT impact public safety operations.”⁷ UTC urges the Commission to clarify that this requirement should not preclude public safety from negotiating priority access that would provide reliable mission critical communications for both public safety and utilities and other CII, even during emergencies. UTC believes that such sharing is technically achievable using LTE, and the Commission should clarify that such sharing is permitted under the

⁶ In the Matter of Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, WT Docket No. 99-87, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC 22709 at ¶76 (2000) .

⁷ Final Report at 9, 40.

interoperability requirements, which will in turn promote sharing between utilities and public safety and realize the numerous public interest benefits that the Commission has already recognized.

Respectfully submitted,

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